

Appl. No. 09/746,270
Amdt. Dated: Nov. 5, 2004
Reply to Office Action of July 7, 2004

REMARKS/ ARGUMENT

Applicant herein confirms the election to prosecute group I, claims 1 to 6 in the present application. Claims 7 to 10 have been cancelled without prejudice in instructions above.

Claims 1 to 6 are currently pending in the present application.

OBJECTIONS TO DISCLOSURE

The Examiner objected to the disclosure because of many informalities. Reference to Appendix A which was part of the provisional document but was not filed with the non-provisional. However, referring to Appendix A remain in the non-provision. Reference to Appendix A has been deleted.

Applicants have also removed hyperlinks in the document.

REJECTIONS UNDER 35 U.S.C. SECTION 112 ARE OVERCOME

The Examiner rejected claims 2 to 6 under 35 U.S.C. section 112 second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Appropriate corrections have been made and the rejections have been overcome.

REJECTIONS UNDER 35 U.S.C.103(a) ARE OVERCOME

The Examiner has rejected claims 1 to 5 under 35 U.S.C. 103(a) as being unpatentable over Payne et al. (US 5,909,492). Applicants have amended the claims to include the limitation of previewing the media. Payne et al. does not teach that a purchaser can preview media such as song or video clip before paying for the media and saving the media to permanent memory. Therefore, the rejections to claims 1 to 5 are moot in light of the present Amendment.

Applicants submit that all pending claims are now in condition for allowance. A Notice of Allowance is respectfully requested.

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Respectfully submitted,

Date: Nov 5, 2004By: 

Steven A. Shaw
Reg. No. 39,368

Nokia, Inc.
6000 Connection Drive
Mail Stop: 1-4-755
Irving, TX, 75039
(972) 894-6173
(972) 894-5619 FAX
Steven.Shaw@nokia.com

NOKIA IPR

Fax:9728945619

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Fax:9728945619

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